

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

BRENDA KAY ROBERS, as Personal Representative
of the Estate of WILFRED MICHAEL ROGERS,
Deceased, and on Behalf of the Wrongful Death
Beneficiaries

PLAINTIFF

V.

NO. 6:19-cv-06086-RTD

WERNER CO. (DE);
WERNER CO. d/b/a NEW WERNER CO.;
NEW WERNER HOLDING CO., INC.;
OLD LADDER CO. d/b/a and/or f/k/a/ WERNER CO.;
OLD LADDER CO. (PA) INC. d/b/a and/or f/k/a
WERNER HOLDING CO. (PA), INC.;
OLD LADDER CO. (DE), INC.;
WERNER LADDER INC. d/b/a and/or f/k/a WERNER LADDER CO.;
WERNER HOLDING COMPANY, INC.;
OLD LADDER COMPANY, INC.;
WERNER LIQUIDATION TRUST;
WERNER LIQUIDATION TRUSTEE, R.D.;
WERNER CO. (PA);
WERNER CO. INC.;
LOWE'S HOME CENTERS, LLC;
LOWE'S COMPANIES, INC.; and
JOHN DOE COMPANIES A-Z

DEFENDANTS

ORDER

Before the Court is the Motion by Separate Defendant Werner Co. (DE) to Strike Certain Paragraphs and Dismiss the Second Through Sixth Causes of Action and Subparts VI Through XI of the First Amended Complaint (ECF No. 28). Plaintiff has filed a Response in Opposition to the Motion (ECF No. 34). Also, before the Court are Plaintiff's Motion for Voluntary Dismissal Against Certain Defendants (ECF No. 32) and Plaintiff's Consent Motion for Leave to File Second Amended Complaint (ECF No. 33). The matters are ripe for consideration.

IT IS HEREBY ORDERED that Plaintiff's motion (ECF No. 32) for voluntary dismissal against Defendants Werner Co. d/b/a New Werner Co.; New Werner Holding Co., Inc.; Old Ladder Co. d/b/a and/or f/k/a Werner Co.; Old Ladder Co. (PA), Inc. d/b/a and/or f/k/a Werner Holding Co. (PA), Inc.; Old Ladder Co. (DE), Inc.; Werner Ladder Inc. d/b/a and/or f/k/a Werner Ladder Co.; Werner Holding Company, Inc.; Old Ladder Company, Inc.; Werner Liquidation Trust; Werner Liquidation Trustee R.D.; Werner Co. (PA); Werner Co., Inc.; Lowe's Home Centers, LLC; and Lowe's Companies, Inc., should be and hereby is GRANTED, and these defendants are all DISMISSED WITHOUT PREJUDICE. The named defendants remaining in the case are Werner Co. (DE) and John Doe Companies A-Z.

IT IS FURTHER ORDERED that Plaintiff's motion (ECF No. 33) for leave to file a second amended complaint should be and hereby is GRANTED. Plaintiff shall file the second amended complaint forthwith.

IT IS FURTHER ORDERED that the motion (ECF No. 28) to strike first amended complaint by Separate Defendant Werner Co. (DE) should be and hereby is DENIED AS MOOT.

IT IS SO ORDERED this 2nd day of March 2020.

/s/ Robert T. Dawson
ROBERT T. DAWSON
SENIOR U.S. DISTRICT JUDGE